

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION

JEFFREY A. TAYLOR, )  
                          )  
Plaintiff            )  
                          )  
vs.                   ) Case No. 7:04-cv-00635-WMA-HGD  
                          )  
PHILLIP FANNIN, individually )  
and in his official capacity, et al., )  
                          )  
Defendants          )

**ORDER**

On June 6, 2005, the magistrate judge's report and recommendation was entered and the parties were allowed therein fifteen (15) days in which to file objections to the recommendations made by the magistrate judge. No objections have been filed by either the plaintiff or the defendants.

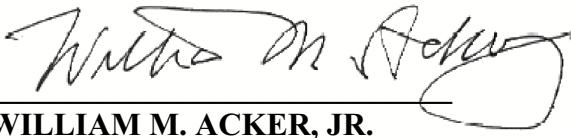
After careful consideration of the record in this case and the magistrate judge's report and recommendation, the court hereby ADOPTS the report of the magistrate judge. The court further ACCEPTS the recommendations of the magistrate judge, and it is, therefore,

ORDERED, ADJUDGED and DECREED that defendants' Motion for Summary Judgment is due to be and hereby is DENIED as to plaintiff's claims of use of excessive force by Phillip Fannin, in violation of 42 U.S.C. § 1983 and the Fourth

Amendment, and as to plaintiff's claims of assault and battery against Fannin and the City of Northport.

It is further ORDERED, ADJUDGED and DECREED that defendants' Motion for Summary Judgment is due to be and hereby is GRANTED as to plaintiff's 42 U.S.C. § 1983 claims against the City of Northport, plaintiff's 42 U.S.C. § 1983 claims against Fannin but for the claim of use of excessive force in violation of the Fourth Amendment, and plaintiff's state law claims of negligence, wantonness, intentional infliction of emotional distress, invasion of privacy, outrage, failure to undergo training, failure to supervise or enforce policy, and negligent or willful disregard for training, re-training and counseling, and such claims hereby are DISMISSED WITH PREJUDICE.

DONE this 28th day of July, 2005.



WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE